

IN RE: PETITION FOR ZONING VARIANCE  
SE/S Forge Road, 915' E of  
Randell Avenue  
(5125 Forge Road)  
11th Election District  
5th Councilmanic District  
James E. Faulkner, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-34-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioners, James and Janice Faulkner, appeared and testified. There were no Protestants.

Testimony indicated the subject property, known as 5125 Forge Road, consists of 14,630 sq.ft. zoned D.R.1, and is presently unimproved. Petitioners are desirous of constructing a single family dwelling on the property in accordance with that depicted on Petitioner's Exhibit 1. Testimony indicated Petitioners have owned the subject property for the past seven years during which time public sewer facilities were to be extended to the site. Petitioners testified that sewer service has not yet been provided and a private septic system is required. Testimony indicated that the requested variance is necessary in order to comply with the requirements of the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) who established the location of the septic field on the lot. Further testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8<sup>th</sup> day of October, 1991 that the Petition for Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 2 -

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed dwelling shall be a minimum of 20 feet from the septic reserve area.

TMK:bjs

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

October 8, 1991

887-3353

Mr. & Mrs. James Faulkner  
4104 Perry View Road  
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE  
SE/S Forge Road, 915' E of Randell Avenue  
(5125 Forge Road)  
11th Election District - 5th Councilmanic District  
James E. Faulkner, et ux - Petitioners  
Case No. 92-34-A

Dear Mr. & Mrs. Faulkner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING

Date: 10/8/91

By: [Signature]

ORDER RECEIVED FOR FILING

Date: 10/8/91

By: [Signature]

- 3 -



Petition for Variance

to the Zoning Commissioner of Baltimore County

92-34-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 - to allow a rear yard setback of 30 ft. in lieu of the minimum required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

see attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):

Mr. James E. Faulkner

Mrs. Janice E. Faulkner

Mr. James E. Faulkner

Mrs. Janice E. Faulkner

Mr. James E. Faulkner

Mrs. Janice E. Faulkner

Mr. James E. Faulkner

Mrs. Janice E. Faulkner

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Mr. James E. Faulkner

Mrs. Janice E. Faulkner

Mr. James E. Faulkner

Mrs. Janice E. Faulkner

Reasons For Variance 92-34-A

1. No public sewer has been provided. They originally proposed sewer for 1988, but after this date was passed, sewer service was proposed for 1991.
2. Due to no public sewer, a septic system had to be utilized. This system was the only possible alternative.
3. D.E.P.R.M. determined and designed septic field. Due to this location and specific design, homesite was placed according to D.E.P.R.M. policies and guidelines. Because of the needed septic field area that will meet specific D.E.P.R.M. requirement, the house had to be positioned closer to the southern or rear lot line to gain the added septic field area to meet code.
4. If petition is denied, lot that we have owned and waited patiently for public sewer, will be valueless.

#27

Zoning Description

Beginning at a point on Forge Rd. 30 ft. wide at the distance 915 ft. NE of Randell Ave., 50 ft. wide. Being Lot No. 6, Block M in the Subdivision of Forge Acres as recorded in Baltimore County Plat Book No. 14 folio 88, containing 14,630 sq. ft. Also known as 5125 Forge Rd. & located in the 11th Election District.

92-34-A

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 113 Date of Posting: 10/8/91  
Posted for: James E. Faulkner, Janice E. Faulkner  
Petitioner: James E. Faulkner, Janice E. Faulkner  
Location of property: 5125 Forge Road, Baltimore, MD 21236  
Location of Signs: On property at 5125 Forge Road, Baltimore, MD 21236  
Remarks: See attached  
Posted by: [Signature] Date of return: 10/15/91  
Number of Signs: 4

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on October 15, 1991.  
Case Number: 92-34-A  
SE/S Forge Road, 915' E of Randell Avenue  
5125 Forge Road  
11th Election District  
5th Councilmanic District  
Petitioner(s):  
James E. Faulkner, et ux  
Hearing Date: Friday  
Sept. 27, 1991 at 2:00 p.m.  
Variance: to allow a rear yard setback of 30 ft. in lieu of the minimum required 50 ft.  
Zoning Commissioner of Baltimore County  
NJ3/160 August 15

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/15/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/15/91.

THE JEFFERSONIAN,

S. Zeke Orlean  
Publisher

\$ 61.91

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NJ3/160 August 15

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/15/91

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/15/91.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zeke Orlean  
Publisher

\$ 61.91

ORDER RECEIVED FOR FILING

Date: 10/8/91

By: [Signature]

ESTIMATED LENGTH OF HEARING - 1/2HR.  
AVAILABLE FOR HEARING MON./TUES. (M.D.) - NEXT TWO MONTHS  
ALL OTHER DATE 7-9-91  
REVIEWED BY: [Signature]

1HR.





BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

Date: August 30, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z. A. C. Comments

Z. A. C. MEETING DATE: July 30, 1991

This office has no comments for item numbers 505,  
3, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 30 and 31.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF:bza

*Rec'd 9/4/91*

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

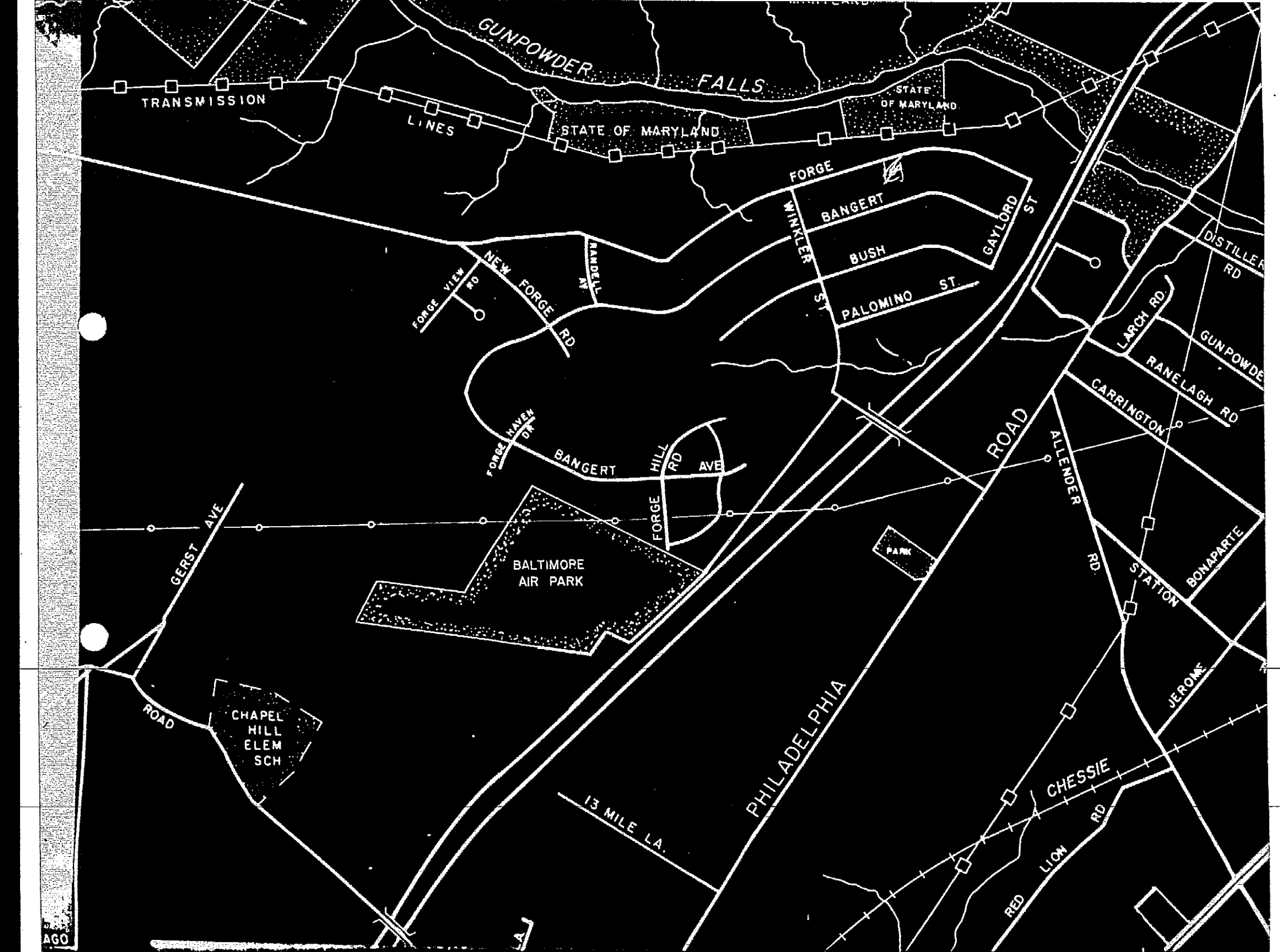
ADDRESS

*RAT 21236*

*James & Janice Faulkner 4104 GERRY VILLAGE RD*

*signed letter for 7/25/91 meeting for*

*John Faulkner*



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 1, 1991  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
For July 30, 1991

The Developers Engineering Division has reviewed  
the subject zoning items and we have no comments for  
Items 505, 3, 7, 9, 10, 17, 18, 19, 21, 22, 23, 24,  
27, 30 and 31.

For Item 20, the extension of public water, sewer and  
paving may be required, prior to issuance of a building  
permit for this lot.

For Item 26, the previous County Review Group comments  
are still applicable.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

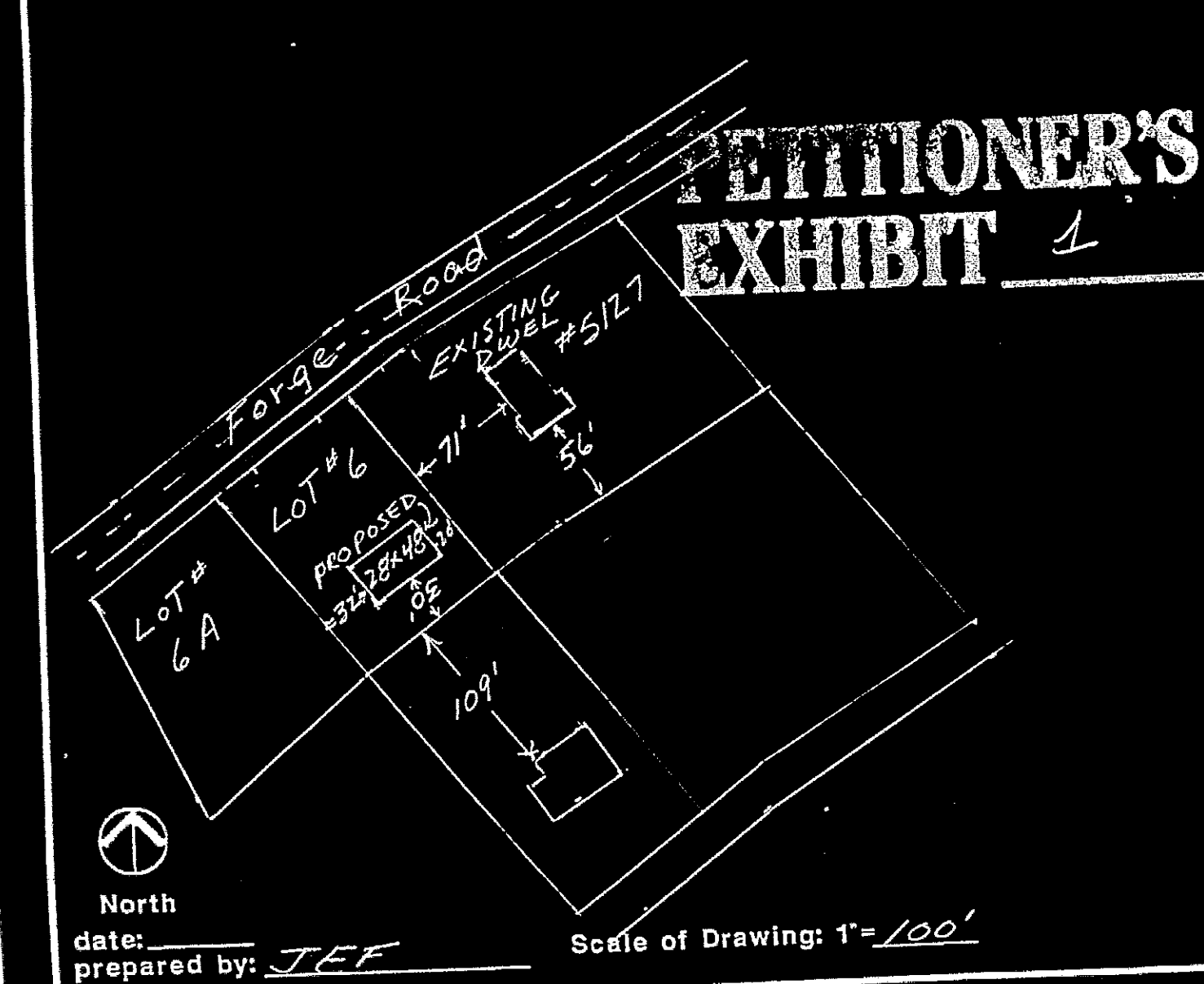
Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: *5125 Forge Road*

Subdivision name: *Forge Acres*

plat book # *1*, folio # *22*, lot # *6*, section # *Block M*

OWNER: *James & Janice Faulkner*



LOCATION INFORMATION

Councilmanic District: *5*

Election District: *5*

7"=200' scale map#:

Zoning: *336*

Lot size: *14,630* square feet

SEWER: ☒ WATER: ☒

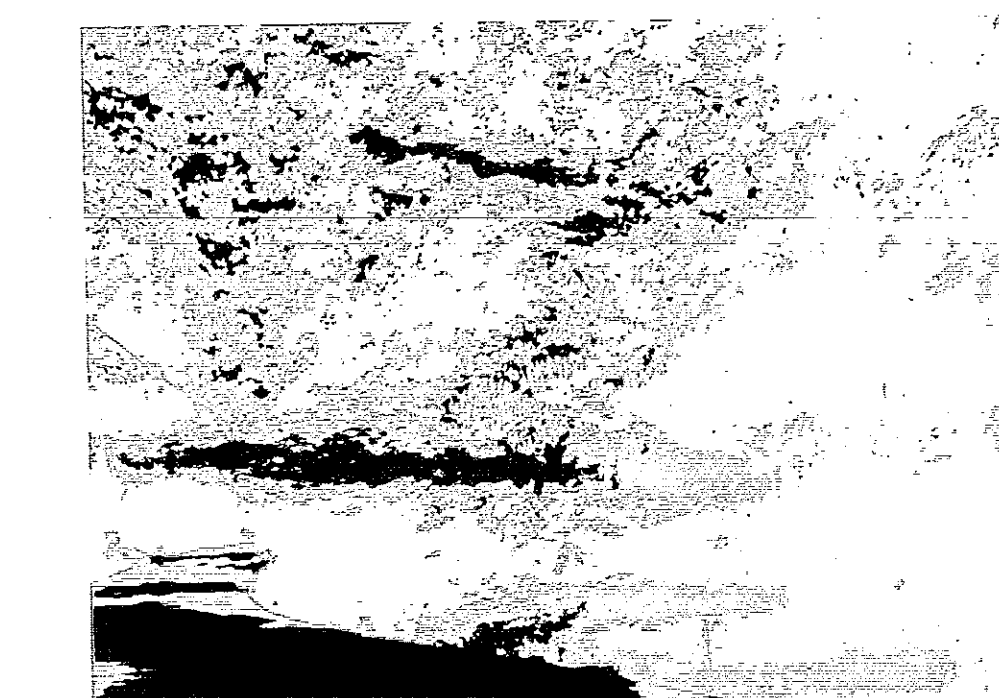
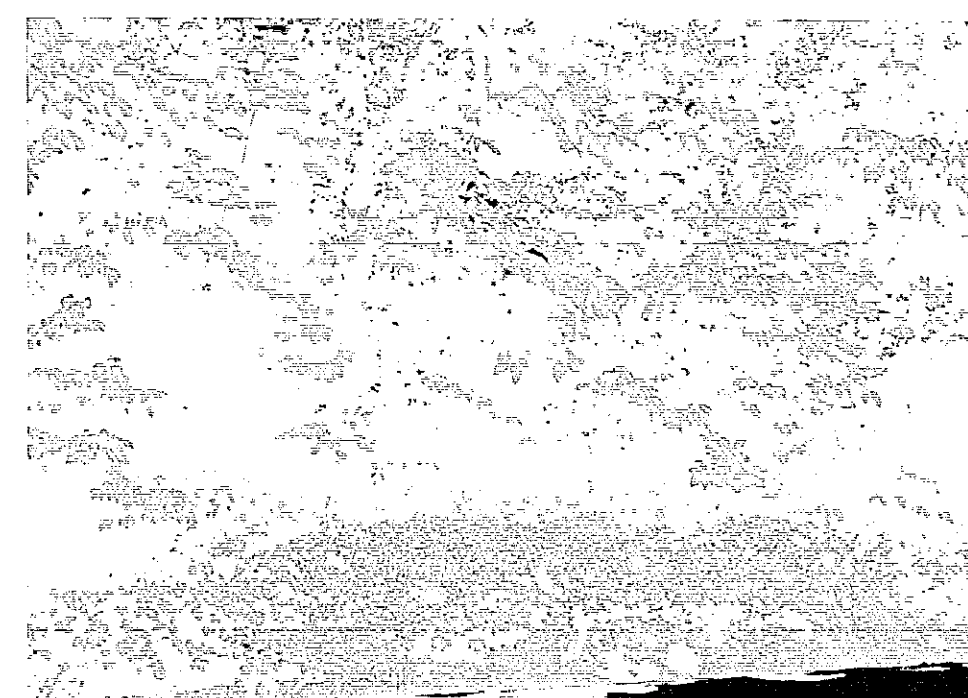
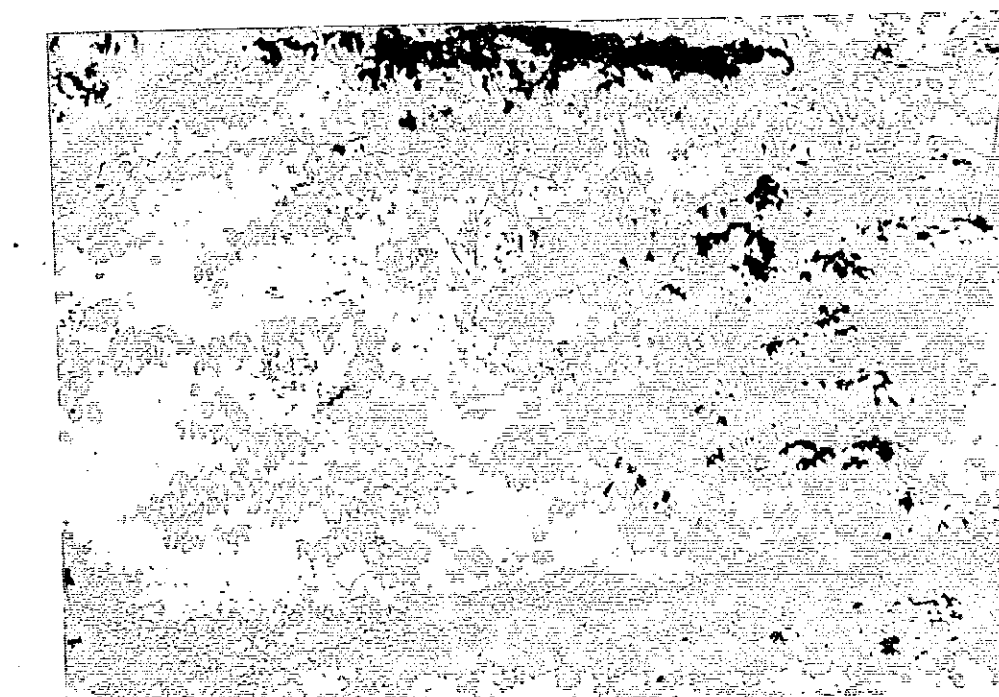
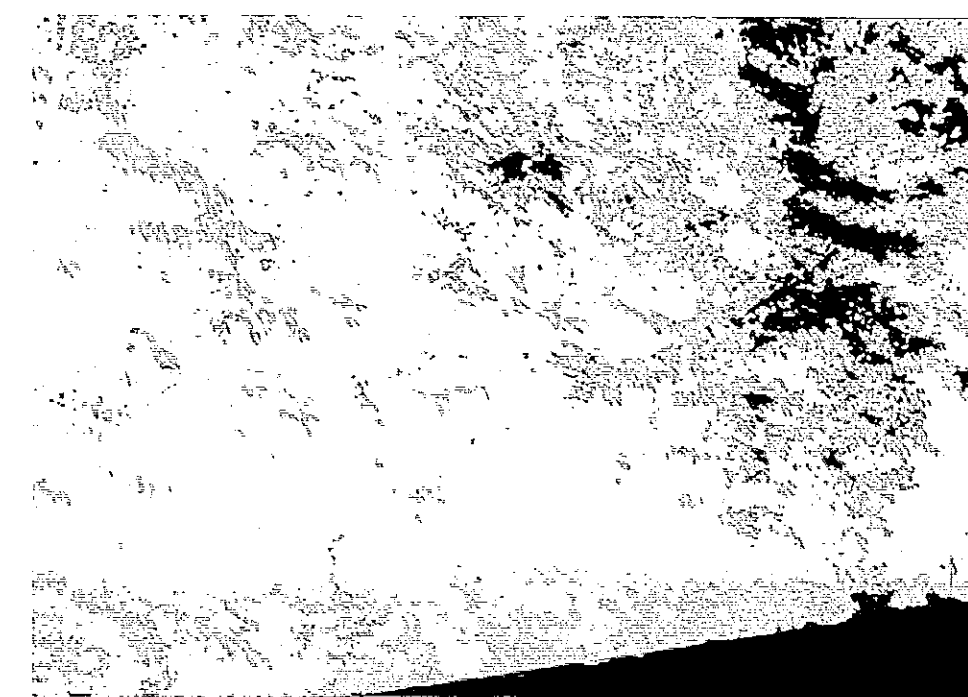
Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: ☐

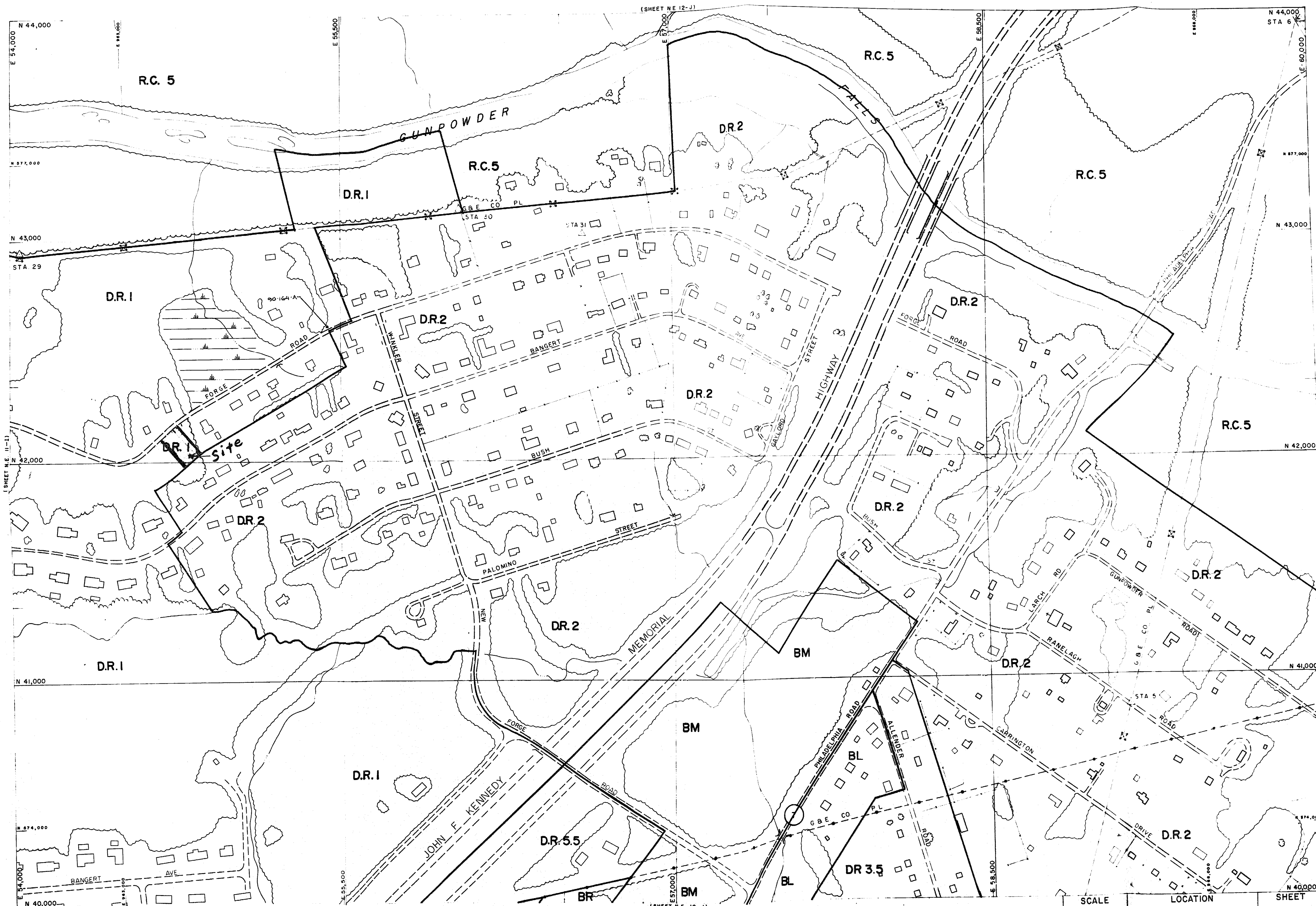
Zoning Office USE ONLY!

reviewed by: *JEF* ITEM #: *1* CASE#: *1*

*Photographs  
in  
Case 92-34A*







Q-SE QQ-SW  
M-NE MM-NW

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88  
*Dale J. Roberts*  
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION LORELEY	SHEET N. E. 11-J
DATE OF PHOTOGRAPHY JANUARY 1986		

#27

92-34A